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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,204	02/18/2004	Floyd Backes	160-020	1946
34845	7590	07/24/2008		
Anderson Gorecki & Manaras LLP 33 NAGOG PARK ACTON, MA 01720			EXAMINER HAROON, ADEEL	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 07/24/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte FLOYD BACKES,  
GARY VACON,  
PAUL CALLAHAN,  
WILLIAM HAWES AND  
ROGER DURAND

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Application No. 10/781,204  
Technology Center 2618

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Mailed: July 23, 2008

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Before DALE M. SHAW *Chief Appeals Administrator*.  
SHAW, *Chief Appeals Administrator*.

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on February 21, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

Application No. 10/781,204

An Appeal Brief and Amendment After Final was filed on April 2, 2007. A review of the Appeal Brief, Appendix of Claims and the Amendment reveals that claim 2 in the Appendix of Claims is not consistent with Claim 2, as amended.

Correction is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner

1. to hold the Appeal Brief dated April 2, 2007, defective and advise Appellant to file a “paper” correcting the Appendix of Claims; and
2. for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

DMS/dal

cc: Anderson Gorecki & Manaras, LLP  
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Acton, MA 01720